

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

J-SQUARED TECHNOLOGIES, INC., a)
Canadian corporation, and J-SQUARE)
TECHNOLOGIES (OREGON) INC., an)
Oregon corporation,)
Plaintiffs,)
v.) C.A. No. 04-CV-960-SLR
MOTOROLA, INC., a Delaware corporation.)
Defendant.)

**EXHIBIT B TO
MOTOROLA'S RESPONSE TO PLAINTIFFS'
MOTION FOR PROTECTIVE ORDER**

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Examination No. 06-0288.4

C.A. No. CA 04-960-SLR

(District of Delaware)

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF DELAWARE

B E T W E E N:

J-SQUARED TECHNOLOGIES, INC., a Canadian Corporation, and

J-SQUARED TECHNOLOGIES (OREGON) INC., an Oregon Corporation

PLAINTIFFS

- and -

MOTOROLA, INC. A DELAWARE CORPORATION

DEFENDANT

DEPOSITION OF JEFFREY GIBSON, pursuant to an appointment
made on consent of the parties to be reported by
Cornell•Catana Reporting Services, on March 23, 2006,
commencing at the hour of 9:14 in the forenoon.

APPEARANCES:

Sean J. Bellow

for the Plaintiffs

Randy Papetti and Emily S. Cates

for the Defendant

This Examination was taken down by sound recording

by Janice West at Ottawa, Ontario, Canada.

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1 what that references? At the top?

2 A. Where do you see that?

3 188. Q. If it's helpful, look at Page 1887 too?

4 A. All right.

5 189. Q. Page 1889 -- excuse me?

6 A. Which one, sorry -- 1887?

7 190. Q. No, 1889 and 1882 -- both have references to
8 GE?

9 A. Right.

10 191. Q. Maybe we'll just look at 1889 if that's
11 easier?

12 A. Okay.

13 192. Q. It says, "ESG Issues concern challenges" and
14 one of them says, "Close GE..." -- do I say "Fanuc" --
15 is that it?

16 A. Fanuc.

17 193. Q. Can you tell me what that references?

18 A. That references our lead line had gone away
19 and we needed to replace it with another line that could
20 be a lead line on a line card, so Motorola had gone away
21 so we needed to replace it with GE Fanuc.

22 194. Q. How long after Motorola had gone away --
23 well just when did -- did J-Squared approach GE or did
24 GE approach J-Squared?

25 A. I honestly don't remember.

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1 195. Q. Do you recall roughly when the
2 communications began between the companies?

3 A. It was right around the same time of the
4 Motorola termination. It was in the January - February
5 time-frame of that year I believe.

6 196. Q. Were there some communications with GE prior
7 to receiving the February 26th letter from Motorola?

8 A. Yes, I believe so. We'd had to have had
9 some preliminary conversations.

10 197. Q. Is the GE Fanuc line in competition with the
11 MCG Line that J-Squared had been repping?

12 A. It depends on what you sign on with GE
13 Fanuc. GE Fanuc required multiple companies over time,
14 so for example -- some products would and other products
15 wouldn't.

16 So, for example GE Fanuc had acquired a company
17 called CDI that did displays so we could have
18 theoretically repped the CDI portion of GE Fanuc with
19 Motorola and that would not have been in conflict but
20 our conversations hadn't gotten to that point when the
21 Motorola termination occurred.

22 198. Q. Okay, so there was preliminary discussions
23 with GE Fanuc. Do you have any correspondence or any --
24 what else can you tell me about those initial
25 communications?